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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,774	05/06/2002	Anatoly Vladimirovich Romanenko	U 013681-9	8872

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EXAMINER

HAILEY, PATRICIA L

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,774

Applicant(s)

ROMANENKO ET AL.

Examiner

Patricia L. Hailey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-29 is/are allowed.
- 6) ☒ Claim(s) 30-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Applicants' Preliminary Amendment, filed on May 6, 2002, has been made of record and entered. In this amendment, claims 1-18 have been canceled; new claims 19-36 have been added.

Claims 19-36 are now pending in this application.

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicants' Priority Document was filed on October 24, 2001.

***Claim Objections***

2. **Claims 35 and 36 are objected to because of the following informalities:**

In line 2 of claim 35, it appears that the word or letter "i" should be removed from the phrase "catalyst composition varies i within the range of 0.1 to 10.0."

In lines 1 and 2 of claim 36, it appears that the phrase "p-carboxybenzaldehydein" should be two words, i.e., "p-carboxybenzaldehyde in terephthalic acid" (emphasis added).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 30-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 30-35, while directed to a method of purifying terephthalic acid from p-carboxy-benzaldehyde, do not recite or disclose any process parameters or method steps to describe said method. Claims 30-35 are more directed to the catalyst composition employed in said method, and the properties/characteristics of that catalyst.

*Allowable Subject Matter*

5. Claims 19-29 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest the claimed catalyst composition comprising crystallites of palladium or palladium and at least one Group VIII metal, applied to the surface of a carbon material, wherein the carbon material has the specific properties recited in claim 19, and wherein the crystallites are distributed in the carbon material in such a manner that the distribution peaks of the crystallites should be at a

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distance from the outer surface of a granule of the carbon material corresponding to 1-30% of the granule's radius.

White (U. S. Patent No. 5,723,659) teaches a process for purifying impure aromatic polycarboxylic acids produced by the catalytic oxidation of polyalkylaromatic hydrocarbons which comprises contacting the impure acid with hydrogen and at least one hydrogenation catalyst, wherein the catalyst has a water-insoluble and non-brittle coating of at least one polymeric material. The catalyst is typically Group VIII noble metals (ruthenium, rhodium, palladium, etc.), and may include carbons and charcoals as supports. See col. 3, lines 6-58. This reference does not teach or suggest the claim limitations regarding the carbon material (average mesopore size, etc.), as recited in claim 19.

Puskas et al. (U. S. Patent No. 4,476,242) is parent to U. S. Patent No. 4,791,226, which was cited by Applicants.

Puskas et al. al. (U. S. Patent No. 4,476,110) is a divisional of U. S. Patent No. 4,394,299, which was also cited by Applicants.

### *Conclusion*


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (703) 308-3317. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (703) 308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.

  
Lynn Hailey/plh  
Examiner, Art Unit 1755  
July 9, 2003

  
Mark L. Bell  
Supervisory Patent Examiner  
Technology Center 1700